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STATE FOR WHA/CAN AND EEB/TPP/MTA/IPC WALLACE AND BOGER
STATE PLEASE PASS USTR FOR GARDE, SULLIVAN, AND MELLE

E.O. 12958: N/A

TAGS: ECON ETRD KIPR

SUBJECT: OTTAWA OUTLINES INTELLECTUAL PROPERTY STRATEGY

REF: OTTAWA 1076

¶11. (SBU) Summary: On October 17, the Government of Canada announced a three-step strategy to strengthen the protection of intellectual property rights (IPR). While short on details and timelines, the strategy addresses several USG's concerns, including conforming Canadian law with the WIPO Internet Treaties, increasing IPR enforcement and awareness, and the already enacted ban on illicit recording in movie theaters. The GOC announcement -- which follows a strong IPR statement in the government's October 16 "Speech from the Throne" -- is the latest sign that Ottawa is moving to bolster IPR protection in Canada. End Summary.

IPR Strategy

¶12. (SBU) Canada's Governor General stated in the Harper government's "Speech from the Throne" to Parliament on October 16 that the GOC "will improve the protection of cultural and intellectual property rights in Canada, including copyright reform." On October 17 -- in a written response to a June 20 Parliamentary Committee report ("Counterfeiting and Piracy are Theft") -- the Ministers of Public Safety, Industry, International Trade, and Justice outlined how improved IPR protection will be pursued. The strategy has three aspects, including criminalizing illicit camcording in movie theaters, which was completed in June (reftel). Another aspect involves increasing IPR enforcement and raising awareness of the dangers of IPR crimes. Step three is to bring Canada's copyright regime into conformity with the WIPO Internet Treaties. The Ambassador and other Embassy officials over the last several months have urged senior Canadian officials, including Prime Minister Harper, to strengthen IPR legislation and enforcement.

Enforcement and Awareness

¶13. (SBU) The GOC has tasked the Minister of Public Safety to work with the Industry Minister -- in consultation with the Ministers of Canadian Heritage, International Trade, and Justice -- "to develop options to strengthen and modernize Canada's enforcement regime." The Royal Canadian Mounted Police (RCMP) is charged with increasing public awareness of IPR crime, and has already disseminated a poster series of posters about the dangers of IPR crime relating to job loss, injury, and organized crime. The GOC gives no timeline for compiling enforcement recommendations, but the Ministers should be able to draw on the work of a lower level Canadian interagency task force that has been examining these issues since the end of 2004.

¶4. (SBU) The third step in the GOC's IPR strategy is "bringing Canada's copyright regime into conformity with the World Intellectual Property Organization (WIPO) Internet Treaties." (Comment: Noted IPR commentator Michael Geist from the University of Ottawa makes a point to say that the government refers to "conformity with" and not "ratification of" the WIPO Internet Treaties. End comment) The GOC has called on all parties in Parliament to support the government's efforts in this area. Embassy contacts in the Privy Council, Prime Minister's Office, Industry Canada, and the private sector report that the GOC plans to introduce major copyright legislation no later than November. One well-connected industry executive told EMIN that seven longstanding internal disputes have now been resolved -- mostly in favor of greater IPR protection and Industry Minister Prentice last week reaffirmed to EMIN that IPR QMinister Prentice last week reaffirmed to EMIN that IPR reform remains "my top priority." An RCMP official told Econoff that although some Industry Canada bureaucrats oppose strengthening certain areas of IPR protection, they are no longer able to hold up the legislative process.

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